

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
August 18, 2009**

The West Amwell Township Planning Board meeting was called to order at 7:31 PM by Chairman Pfeiffer followed by the salute to the Flag.

The following statement of compliance with the Open Public Meetings Act as listed on the meeting agenda was read into the record by Chairman Pfeiffer: This meeting is called pursuant to the provisions of the Open Public Meetings Act. This meeting was included in a list of meetings transmitted to the Hunterdon County Democrat and Trenton Times on January 29, 2009. Notice has been posted on the bulletin board at Town Hall on August 13, 2009, and has remained continuously posted as to required notices under the Statute. A copy of this notice is available to the public and is on file in the Office of the Planning Board and Township Clerk.

The following general policy statement of the Board was read into the record by Chairman Pfeiffer: The Board's general policy is to end the presentation of testimony on applications by 10:30 PM and to conclude all Board business by 11:00 PM. When necessary, the Chair may permit a reasonable extension of those time limits.

The meeting was recorded via digital recording system and a copy of the CD is on file in the Office of the Planning Board.

Attendance - Roll Call

Present: Bill Corboy
Alex Greenwood (*arrived at 7:33 PM*)
John Haug
Tom Molnar
Sean Pfeiffer – Chairman
Ron Shapella
Joan Van der Veen
David English – Alt. #1
Rich Storcella – Alt. #2

Absent: Chester Urbanski

Chairman Pfeiffer noted that Mr. Storcella and Mr. English were sworn in by Attorney Shurts earlier this evening. Mr. Storcella will be serving as Alternate #2 on the Board and Mr. English moved up to Alternate #1. Chairman Pfeiffer welcomed Mr. Storcella to the Board.

It was noted that the professionals were excused from this evening's meeting in an effort to save money due to budget constraints.

Approval of Bill List

A motion by Van der Veen, seconded by Shapella to approve the vouchers for payment as listed on the 8/18/09 bill list was unanimously approved by roll call vote.

Mr. Haug commented on the correspondence received from Chief Financial Officer (CFO) Jane Luhrs regarding the Planning Board's budget. He noted that some of the numbers do not add up and asked if the totals include

what the Board approved on the bill list this evening. Ms. Andrews confirmed that the memo from CFO Luhrs did include the vouchers on the bill list this evening. Chairman Pfeiffer requested Ms. Andrews obtain a monthly spreadsheet from CFO Luhrs showing the Board's budget balance so everyone is aware of exactly how much money is left in each line item.

Resolutions for Approval

Machinga: Resolution PB#2009-15 – Six Month Extension of Approved Minor Subdivision: Block 23 Lot 10

A motion by Shapella, seconded by Haug to approve Resolution PB#2009-15 was approved by roll call vote.

Discussion – Master Plan Amendment Update: Farmland Preservation Plan

Chairman Pfeiffer commented that Ms. Weber had expressed some concerns at the Board's last meeting regarding comments received by the State Agriculture Development Board (SADC) on the latest checklist including some items not previously requested. He indicated it was decided last month to try and set up a meeting to discuss these issues. Chairman Pfeiffer noted that he had met, earlier this month, with Ms. Weber, Tim Brill of SADC and Steve Bruder also of SADC. He indicated the outcome was that some of the requested items were not requested by the SADC staff. They reviewed the checklist to determine the minimum requirements to comply with the Preservation Incentive Grant (PIG) program and Mr. Brill was very helpful in clarifying what needed to be done. Ms. Weber subsequently advised that she believes she can comply with what SADC is looking for at no additional cost to the Planning Board.

Chairman Pfeiffer commented that one of the issues discussed at the meeting was the Township's clustering ordinance. He stated that he believes the SADC is looking for the Township to include some language in the plan indicating that we would consider making clustering mandatory, particularly in cases where it might help to preserve farmland and where it's feasible. He said the SADC did agree that cluster development would only be on private well and septic.

Chairman Pfeiffer noted that he had informed SADC of the tough budget situation the Township is in and asked for their help wherever possible in order to limit expenses from the Board's professionals. He commented that SADC said they would try to help out with mapping, including revising one of the maps titled, *New Jersey Farmland Preservation Program*. Chairman Pfeiffer said he noted this map was missing a lot of preserved land. SADC indicated they will send a revised map to Linda Weber so she can incorporate it into the plan.

Discussion – Status Update of Accessory Structure Size Limitations – Input Update from Ag. Advisory

Chairman Pfeiffer noted the Board is still awaiting input from the Agricultural Advisory Committee (Ag Advisory) on this issue. This matter will be placed on the Board's 9/15/09 agenda for discussion.

Final Site Plan Application/Checklist – Review of Environmental Impact Statement Checklist from Planner Hintz – Input Update from Environmental Commission

Mr. Shapella commented that the Environmental Commission has not yet had a chance to review this. It was noted that this matter will be placed on the Board's 9/15/09 agenda for discussion.

Discussion – Master Plan Reexamination: Status of Review by Board Members

Chairman Pfeiffer commented that since Tom Davis resigned from the Board, there is an opening on Subcommittee #2. Mr. Storcella was appointed to this subcommittee to work with Mr. Molnar and Mr. Urbanski on reviewing the Circulation Plan, the Recreation Plan and the Relationship to Other Plans sections of the Master Plan.

Mr. Greenwood commented on the chart identifying the Township's historic sites which was included in the Board Member's packets. He indicated he needs to continue discussions with Ruth Hall of the Historic Preservation Committee because he believes there may be some sites missing. He also commented that on some sites it is clear what structure is historic, while on other sites the historic significance is unclear. Chairman Pfeiffer suggested Mr. Greenwood review this chart along with the Master Plan for consistency.

Mr. Greenwood noted that Ms. Hall's cover email indicates that if any of the historic sites included on the chart come before the Planning Board or Construction Office for permits, the Historic Preservation Committee would like to be notified. Mr. Greenwood noted this was previously discussed by the Board that if these sites came before the Board, there would be some sort of trigger that would delay demolition or major alterations of these historic structures to provide the Historic Committee with a little time to contact the property owner and make a case to preserve the building rather than destroy it. Chairman Pfeiffer noted that Planner Hintz had advised that an ordinance would need to be created in order to delay demolition.

Mr. Shapella asked how notification to the land owner would take place. Mr. Greenwood commented that he thought the Building Official would have a list of the historic sites in the Township and any demolition permit requested for any historic site would automatically be delayed for 60 or 90 days or however long the ordinance may indicate. Mr. Greenwood expressed that he did not think the Township was in a position to deny a demolition permit, but believed a delay in issuance would provide an opportunity to possibly save a historically relevant site. Chairman Pfeiffer expressed that in some cases the landowner may not be aware of the historic nature of their property. He asked Ms. Van der Veen if a historic designation adds value to a property. She commented that it depends on the condition of the structure and if it is useful. She stated people like old houses and often preserve the old portion while adding some new improvements. She said having a historic home is considered a unique property and does add value.

There was some discussion regarding the County having a list of 93 historic sites versus the chart indicating 17 relevant sites. Mr. Greenwood commented that he believes all 93 locations are noted in the Master Plan and that the list of 17 sites are the locations which are considered the most important by Ms. Hall and the Historic Preservation Committee. Chairman Pfeiffer suggested the text in this section of the Master Plan be reviewed and asked that anything requiring updating be identified. Mr. Shapella suggested the Historic Preservation Committee consider taking photos of some of the sites to be included in the Master Plan.

Chairman Pfeiffer noted he would like to obtain the Governing Body's input on a proposed ordinance delaying demolition permits for historic sites. Both Mr. Corboy and Mr. Molnar were in agreement with the concept.

Mr. Greenwood added that the historic listing is primarily houses, and that there may be some old stone bridges or other structures in the Township that ought to be considered historic sites.

Chairman Pfeiffer addressed the topic of the Master Plan Reexamination report. He noted the Board had received a quote from Planner Hintz in the amount of \$4800.00. In an effort to try and save money, he suggested a subcommittee attempt to draft a reexamination report to assist Planner Hintz. Chairman Pfeiffer stated he asked Planner Hintz for a sample of a reexamination report he has done. He indicated Planner Hintz forwarded a CD with a sample report free of charge. Chairman Pfeiffer stated he has not had time to review it yet and suggested that subcommittee #1 who has already done a lot of work on the Master Plan objectives should be involved in the draft reexamination. He invited anyone else who is interested in helping to please feel free to join the subcommittee. Ms. Van der Veen indicated she would be willing to assist.

Chairman Pfeiffer stated he believes this is a matter of taking what each of the subcommittees have already worked up as part of the Master Plan Reexamination review and putting it into the correct report format. Mr. Haug commented that the Hopewell Township reexamination report is online if anyone is interested in reviewing it. Chairman Pfeiffer added that the CD provided by Planner Hintz contained the Lawrence Township reexamination which should be relevant to West Amwell.

It was noted that Chairman Pfeiffer, Ron Shapella, John Haug and Joan Van der Veen will attempt to draft a reexamination report for review at the Board's 9/15/09 meeting.

Status of Plan Endorsement

Chairman Pfeiffer noted that he attended a meeting today with Bill Corboy, Ron Shapella and various members of the Office of Smart Growth (OSG), the Department of Agriculture and a representative from the Department of Community Affairs (DCA) Commissioners Office. He indicated that Commissioner Doria has resigned from DCA and therefore the letter the Planning Board had reviewed last month to send to DCA was forwarded to the Governor's Office instead. After today's meeting, Chairman Pfeiffer said they were invited up to the Acting Commissioner's Office and Mayor Corboy was told that if there are any additional problems with OSG to call the Commissioner directly. Mr. Shapella commented that everyone was very cooperative at the meeting. Chairman Pfeiffer added that OSG backed off on many of their prior demands. There is now no requirement for a centers designation and all development will be on private well and septic. It was noted that essentially what OSG is looking for is that in situations where a developer can cluster, the ordinance needs to be amended to encourage the clustering to take place close to existing roadways and if percs cannot be obtained in those locations then clustering must be done in a single location rather than chewing up the entire parcel.

Mr. Shapella explained OSG indicated they will come up with a draft scenario for clustering in West Amwell. Chairman Pfeiffer added the scenarios will be based on soil maps. Ms. Van der Veen commented that finding good perc locations is not as simple as just looking at a map.

There was discussion regarding the creation of a clustering ordinance. Ms. Van der Veen commented that the Board should consider a grant application. Chairman Pfeiffer clarified that the next step will be to obtain a revised list of issues that still need to be worked on and OSG will produce the map for the Board's review. According to Barry Abelman of OSG, the map should be provided to the Board by 11/15/09.

Chairman Pfeiffer noted that cross acceptance was also discussed at the meeting. He asked when the mapping data was going to be available. He indicated they advised there are a lot of changes that are pending and apparently no updating has taken place yet. It was noted that OSG is in general agreement with what the Township was asking for as far as the planning area designations are concerned, although some slight shifts may be required in order to comply with the mapping guidelines.

It was the consensus of the Board to continue with Plan Endorsement.

Approval of Minutes

The Board reviewed the minutes from their 7/21/09 meeting and the following revisions were noted:

Page 4, Paragraph 3: Chairman Pfeiffer **clarified** that the remaining lands will not be further subdivided. The word clarified will be changed to: *asked for clarification*.

Page 6, Paragraph 1: **Panning** Board will be changed to *Planning* Board.

Page 6, Last Paragraph: ...with the goal of **future** review in 2010. The word future will be changed to *continued*.

Page 7, Paragraph 5: Chairman Pfeiffer indicated that **he** had received...the word he will be changed to *the Township*.

Page 7, Paragraph 6: ...Assemblyman Doherty's Office **or** Andrea Bonette from...the word **or** will be changed to *and*.

Page 8, Last Paragraph: Mr. Haug indicated he believes that since the divider has been there for 8 years it needs to be stripped down with new weed blocker replaced **and new landscaping planted**. The words *and new landscaping planted* will be deleted.

A motion by Shapella, seconded by Haug to approve the Board's 7/21/09 minutes with the noted corrections was approved by roll call vote with Van der Veen abstaining.

Correspondence

Mr. Haug pointed out a grammatical error in the resolution received from Clerk Olsen regarding Block 17 Lot 17.02. Chairman Pfeiffer clarified that the Township Committee did this resolution and has already adopted it.

Mr. Haug also asked if anyone knew any background information on the letter received regarding the Assembly of God. Chairman Pfeiffer noted that the letter states, "I trust this information satisfies your request." He commented that presumably the Township received some request and this was the Clerk's response. He noted that the Planning Board was copied because Clerk Olsen was referring to the Board's resolution of approval.

Chairman Pfeiffer noted that the Kaluzny applicants had gone to the Board of Health as the Planning Board requested and they were granted the relief they were seeking. Mr. Corboy commented that the Board of Health believes that the reserve septic ordinance does not apply to lands remaining in a simple subdivision. Chairman Pfeiffer indicated this is not how the ordinance has been interpreted in the past, but stated it is the Board of Health's jurisdiction and their decision to make.

New Business – Other Open to the Public

Chairman Pfeiffer opened the floor to public comment. Hal Shute of 248 Rocktown Lambertville Road came forward. He stated he did not intend to be confrontational, but expressed that he did not believe this meeting of the Planning Board was legal. Mr. Shute claimed the agenda was not posted on the outside bulletin board. Ms. Andrews noted she posted the agenda last Thursday 8/13/09 when packets were assembled. Mr. Shute explained that there were a lot of documents on the bulletin board, that it was possible the agenda got covered up and then stated he will withdraw his statement.

Mr. Shute continued to comment that the Board did not discuss the status update of accessory structure size limitations as listed on the agenda. He asked if accessory structures included agricultural structures. Chairman Pfeiffer responded that the Ag Advisory Committee was reviewing agricultural structures as well as accessory structures in general. Mr. Shute questioned why the Ag Committee was looking into accessory structures. Chairman Pfeiffer commented this issue has been discussed by the Planning Board and the Board wanted to make sure that any ordinance revisions which may be considered as part of the Master Plan reexamination were something that would be acceptable with the Ag Committee and consistent with their recommendations.

Mr. Shute commented that it appears Ag Advisory made a recommendation of 30,000 sq. ft. and the Board didn't like it. Chairman Pfeiffer explained that he thinks what's being reflected in the minutes is that Ag Advisory had had a general discussion and the Board had asked for a specific recommendation asking if 30,000 sq. ft. is really what the Ag Committee was recommending. Chairman Pfeiffer said he didn't think Mr. Urbanski was comfortable stating, on behalf of the Ag Committee, that 30,000 sq. ft. was the recommendation since a vote hadn't been taken on the matter.

Mr. Shute asked again why this size limitation matter was even being looked into. Mr. Shapella commented that there was a question as to how the right to farm ordinance applies to accessory farm structures and how that impacts the Township's ability to regulate the size of structures. Chairman Pfeiffer clarified that right now if you have a 200 acre farm the only thing that limits the size of any structure you build is impervious coverage. The question arose if there should be some upper limit beyond which should require some kind of review. He noted that the Board believed the size should be large but no formal decisions have been made since the Board has not heard back from Ag Advisory.

Mr. Shute asked if the Board has the legal authority to impose a size limit. Chairman Pfeiffer stated the Board's Planner believes we do.

Mr. Shute's final comment was related to the clustering ordinance. He stated it does not work indicating that Heritage and Toll Brothers couldn't make it work. Chairman Pfeiffer commented that Toll Brothers came into the Board for a review in 2006 and at that point they had not done any perc testing. He noted that Toll Brothers presented two options: One was a conventional subdivision and one was a clustering subdivision. He said they requested input from the Board as to which one the Board felt would be best. Chairman Pfeiffer indicated that their proposals missed several segments of the category 1 stream that was running through the property which is a State regulation and limited what they were trying to do. Subsequently Toll Brothers went out and actually did the perc tests and indicated the most they believed they could get on the property was 19 building lots on septic. Chairman Pfeiffer commented that there haven't been any major subdivision applications in the last 5 years and to say that the clustering ordinance doesn't work is a leap.

Mr. Shute expressed that the State has very different ideas on what a farm should look like. He said they like large parcels with large structures and when you start talking about limiting the size of structures you start shooting yourself in the foot. Chairman Pfeiffer indicated the Board of Adjustment asked the Planning Board to review this and the Board must be diligent. Mr. Shapella made a final comment that applicants always have the option of going to the Board of Adjustment for a variance. Mr. Shute stated he thinks the Board is bucking up against the right to farm and he left the meeting at this time.

Chairman Pfeiffer asked Ms. Andrews to provide information from East Amwell regarding accessory structure size limitations.

Ms. Van der Veen commented that she had attended a Delaware Township Board of Adjustment meeting where an application was being heard proposing a "water farming" bottling operation on the Fisher Farm. She informed the Board for informational purposes as an example of how Boards never can tell what may be proposed to them. Mr. Shapella commented that the State owns the water according to the Constitution. He added that if someone wants to take water out of the ground and sell it, they need a permit from New Jersey Department of Environmental Protection (NJDEP).

Adjournment

A motion by Shapella, seconded by Greenwood to adjourn was unanimously approved.

The meeting adjourned at 9:00 PM.

Maria Andrews, Planning Board Secretary